

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

<b>JOSEPH ALLEN, et al.,</b>  <b>Plaintiffs,</b>  <b>v.</b>  <b>KENTUCKY FINANCE CO., INC., et al.</b>  <b>Defendant.</b>	<b>CIVIL ACTION NO. 4:02CV38-LN</b>
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**ORDER OF DISMISSAL WITH PREJUDICE**

The Court has considered *sua sponte* the status of the above styled action in light of Orders previously made by the Court and concludes that at this time this case is due to be dismissed in its entirety with prejudice to all the remaining Plaintiffs who are not already subject to dispositive orders or Orders of Dismissal. The Court's decision is based upon the following:

1. On or about September 9, 2005, Plaintiffs' counsel filed a Motion of Counsel for Leave to Withdraw as counsel for all remaining Plaintiffs and further seeking a stay of all proceedings.

2. This Court entered an order dated September 20, 2005, granting Motion of Counsel for Leave to Withdraw, staying all proceedings in the case, and providing for a forty-five (45) day period within which the remaining Plaintiffs were required to notify the Court that they had retained other counsel to prosecute the action or that they would proceed *pro se*; the Court' order further stated that if any individual Plaintiff did not notify the Counsel within that forty-five day period that he or she has obtained substitute counsel or would will proceed *pro se*, then the claims of that individual would be dismissed with prejudice by operation of the Court's order without the need for further order of the Court. In order to effectuate the terms of said order, the Court directed the Plaintiffs' counsel to mail a copy of that order to all of the Plaintiffs as soon as possible after the entry of the order.

3. A period in excess of forty-five days has elapsed since the Court's order. The Court

has reviewed filings in the offices of the Clerk of the Court and determined that Yvonne Triplett is the only plaintiff who has filed a notice of intent to continue prosecuting this action as required by the Court's order.

4. Plaintiff Yvonne Triplett is given leave to proceed *pro se* in the prosecution of her case.

5. The Court finds, in accordance with its order of September 20, 2005, that except for Yvonne Triplett, all of the Plaintiffs who are not previously the subject of dispositive orders or orders of dismissal are hereby dismissed with prejudice. The Court further directs each party to bear its own costs as previously taxed.

HEREBY ORDERED, this the 21st day of November, 2005.

/s/ Tom S. Lee  
TOM S. LEE  
United States District Judge

Submitted By:

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